

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES E. COLEMAN,

Petitioner,

Case No. 2:18-cv-10805

Hon. Sean F. Cox

v.

J.A. TERRIS,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION FOR
APPOINTMENT OF MEDICAL EXPERT (ECF No. 22) AND DIRECTING PARTIES
TO FILE RECORDS AND SUPPLEMENTAL BRIEFS**

This case is on remand from the Sixth Circuit. See *Coleman v. Terris*, No. 19-1886, *4 (6th Cir. April 24, 2020). On June 19, 2020, the Court ordered Respondent to produce toxicology and autopsy reports and provide copies to Petitioner. The order also set forth a briefing schedule. (ECF No. 19.)

On August 18, 2020, Respondent filed a certificate of service indicating that it served the reports on Petitioner. (ECF No. 21.) Respondent did not file a copy of the reports with the Court. On August 19, 2020, conceivably crossing in the mail with Respondent's filing, Petitioner filed a motion for production of the reports and for the appointment of a medical expert. (ECF No. 22.) Respondent did not answer the motion, and the supplemental briefs have not been filed.

The Court will deny without prejudice Petitioner's motion to appoint a medical expert, and the matter will be reconsidered by the Court after it has had an opportunity to review the reports and the parties' supplemental briefs. See 28 U.S.C. foll. § 2254, Rule 6(a).

Furthermore, to achieve an orderly and expeditious disposition of the case, the Court will impose a new briefing schedule. See *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).

1. Respondent shall file the toxicology and autopsy reports for the decedents in Petitioner's underlying criminal case with the Court no later than February 5, 2021.

2. Petitioner shall file his supplemental brief, raising any substantive claims in support of his petition in light of the information contained in the reports, no later than February 19, 2021.

3. Respondent shall file a responsive brief no later than March 19, 2021.

4. Petitioner may file a reply brief no later than April 2, 2021.

SO ORDERED.

Dated: January 25, 2021

s/Sean F. Cox

Sean F. Cox
U. S. District Judge